# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| **In the application of** | : | McCormack, Tony et al |
| **Serial No.** | : | 09/878,874 |
| **Filed** | : | June 11 2001 |
| **For** | : | Establishing Telephone Calls at Specified Times |
| **Examiner** | : | Haresh N. Patel |
| **Art Unit** | : | 2454 |
| **Customer number** | : | 23644 |
| **Confirmation number** | : | 2638 |

## APPEAL BRIEF

Mail Stop Appeal Brief - Patents
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This appeal is from the Examiner's final Office Action mailed August 18th 2009 in which claims 1-7, 10, 11, 19-21, 25 and 27-30 were rejected. A timely Notice of Appeal has been filed with the required fee, and after pre-appeal brief review, it has been determined that the appeal proceed.

This brief is being filed with the requisite fee and also a Petition for Extension of Time.

## (i) Real Party in Interest

This application is assigned to Nortel Networks Limited. The assignment is recorded at Reel/Frame: 011899/0063.

## (ii) Related Appeals and Interferences

There are no known prior and pending appeals, interferences or judicial proceedings which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in this pending appeal.

## (iii) Status of Claims

This application was filed with claims 1-18. During prosecution, claims 19-30 were added, and claims 9, 12-18, 22-24, 26 and 29-30 have been cancelled. The claims under appeal are those filed on May 13, 2009 in response to the Office Action of January 13, 2009, namely claims 1-8, 10, 11, 19-21, 25, 27 and 28. Claims 1-7, 10, 11, 19 -21, 25 and 27 are rejected. Claims 8 and 28 are objected to.

It is the rejection of claims 1-7, 10, 11, 19-21, 25 and 27 that is being appealed. All claims are set forth in the appended Claims Appendix.

## (iv) Status of Amendments

The response of December 18, 2009 was entered by the Examiner and dealt with in an Advisory Action of January 13, 2010, so the claims now pending have all been considered by the Examiner.

## (v) Summary of Claimed Subject Matter

The claimed invention relates to a method of establishing a telephone call over a communications network and a web-based telephony application for carrying out the method.

## Independent Claim 1

Claim 1 recites a method of establishing a telephone call over a communications network between a call source and one of a plurality of call destinations using a web based telephony application hosted by a web server. The server is indicated by reference numeral 22 in figure 1 and described on page 7 at lines 23 to 28. As noted on page 8 at lines 27 to page 9 line 5, a click-to-talk (C2T) application residing on the server is able to use a telephone number included in a URI for a party to initiate a telephony connection between that party and another party. As noted on page 9 at lines 27 to 33, the present invention is particularly concerned with using URIs which further comprise time information. The present claims are directed to the "follow-me" service. The discussion of this begins on page 13 at line 4. This is particularly useful for users who have more than one telephone.

The claimed method comprises:

(i)     receiving at the web server a uniform resource identifier (URI) comprising information about the plurality of call destinations and time ranges associated with said plurality of call destinations.

An example of such a URI is shown on page 13 at lines 11 and 12 and described in the paragraph on page 13 at lines 13 to 18. This is a URI which allows a user to set different directory numbers (DNs) for different times of day. The URI is received, complete, at the web server.

The claimed method further comprises:

(ii)    arranging the web based telephony application to access the URI in response to a call event to compare a current time with the associated time ranges to select an appropriate one of the plurality of call destinations according to the time comparison and to instruct a telephony apparatus in the communications system to establish said call to said selected one of the plurality of call destinations.

This is described on page 13 at lines 13 to 18 where it is stated that a user is able to send a URI of the type shown at lines 11 and 12 to a web based telephony application 32 which determines

3

where to direct incoming calls for the user according to the time at which they arrive. According to claim 1 the selection of the destination for the call is made from the information given in the URI.

Independent Claim 11

Claim 11 relates to a web-based telephony application for establishing a telephone call over a communications network between a source and one of a plurality of call destinations, said web-based telephony application being hosted by a web server, as illustrated in figure 1 by reference numeral 22.

The application comprises:

(i)    an input arranged to receive a uniform resource identifier (URI) comprising information about the plurality of call destinations and time ranges associated with said plurality of call destinations.

This is the input to the server 22 from the IP network 12 to which the client equipment 24 is connected. The URI is discussed above in relation to claim 1.

The application further comprises:

(ii)    a computer program arranged to access the URI and in response to a call event to compare a current time with the associated time ranges to select an appropriate one of the plurality of call destinations according to the time comparison (see page 13 lines 13 to 18) and to instruct a telephony apparatus in the communications system to establish said call to said selected one of the plurality of call destinations (see output from server 22 to PBX 20 in figure 1).

## (vi) Grounds of Rejection To Be Reviewed on Appeal

There are nine grounds of rejection to be reviewed on appeal:

1. Claims 1 and 11 have been rejected under 35 USC 102(e) as being anticipated by **Drozdzewicz** et al 2002/0091769.

4

2. Claims 1 and 11 have been rejected under <u>35 USC 102(e)</u> as being anticipated by **Johnson** 6,272,214

3. Claims 1 and 11 have been rejected under <u>35 USC 102(e)</u> as being anticipated by **Doganata** 6, 798,753.

4. Claims 1-3, 11 and 19 have been rejected under <u>35 USC 103 (a)</u> as being <u>unpatentable</u> over **Summers** et al 6,876,734 in view of **Linden** 6,549,773.

5. Claims 4 and 21 have been rejected under <u>35 USC 103(a)</u> as being unpatentable over Summers in view of Linden and further in view of Higgins et al. US 2002/0116505.

6. Claims 5, 25 and 27 have been rejected under <u>35 USC 103(a)</u> as being unpatentable over Summers in view of Linden and further in view of Lippert US 6,626,957.

7. Claims 6-7 have been rejected under <u>35 USC 103(a)</u> as being unpatentable over Summers in view of Linden and further in view of Voit US 6,215,790.

8. Claim 10 has been rejected under <u>35 USC 103(a)</u> as being unpatentable over Summers in view of Linden and further in view of Yiu et al. US 2003/0181205.

9. Claim 20 has been rejected under <u>35 USC 103(a)</u> as being unpatentable over Summers in view of Linden and further in view of Low et al. US 6,798,771.

## (vii) Argument

<u>Overview</u>

None of **Drozdzewicz** et al 2002/0091769, **Johnson** 6,272,214 and **Doganata** 6, 798,753 anticipate the claims of the present application.

All of these references relate to telephone conferences which by definition involve multiple parties. Thus none of them relate to establishing a telephone call over a communications network between a call source and <u>one</u> of a plurality of call destinations as required by all of the claims.

None of these references show a method or a telephony application in which a web server:

receives a uniform resource identifier (URI) comprising information about a plurality of call destinations and time ranges associated with said plurality of call destinations <u>and</u>

is arranged to compare a current time with the associated time ranges to select an appropriate one of the plurality of call destinations according to the time comparison and to instruct a telephony apparatus in the communications system to establish said call to said selected one of the plurality of call destinations.

Furthermore the combination of Summers et al 6,876,734 and Linden 6,549,773 does not teach or suggest all of the features of independent claims 1 and 11.

Summers also relates to telephone conferences which by definition involve multiple parties and does not, either alone or in combination with Linden, teach or suggest establishing a telephone call over a communications network between a call source and <u>one</u> of a plurality of call destinations.

Ground 1

**Drozdzewicz** describes a method of establishing a conference call among a plurality of participants and a subscriber in a telecommunications system (see first sentence of paragraph 0009). According to this method, as described in claim 1 of Drozdzewicz, a unique URL is assigned to the conference which is provided to the web browser of the subscriber. The URL and a set time for the conference are then delivered to each of the end users from the web browser of the subscriber. The end users provide end-point identification information via the URL and are connected to the conference through the telecommunications system in response to the provided end-point information.

6

- Drozdzewicz does not disclose a method of establishing a telephone call between a call source and <u>one</u> of a plurality of call destinations. It discloses a method of establishing a conference call among a <u>plurality</u> of participants and a subscriber.

According to Drozdzewicz (paragraphs 0036 to 0038) a participant wishing to take part in a conference clicks on a distributed hyperlink (the URL referred to above) and is then requested to provide end-point information, such as the telephone number on which the participant wishes to be called. According to paragraph 0040, each end-user can enter end-point identity information that is most convenient. As noted in paragraph 49, end-users click the URL "when they want the system to call them, not before". As noted in paragraph 0050, it is left to the end-user "to control, in real-time, when to be connected to the conference".

- Drozdzewicz does not disclose receiving at a web server "a uniform resource identifier (URI) comprising information about the plurality of call destinations and time ranges associated with said plurality of call destinations". Drozdzewicz uses a URL for a conference. It does not provide the calling destinations – the users have to provide these – and it will not have a plurality of time ranges since a single conference will have a single time slot.

- It follows from the foregoing that Drozdzewicz cannot disclose the final step of claim 1, in particular comparing "a current time with the associated time ranges to select an appropriate one of the plurality of call destinations according to the time comparison".

The system of Drozdzewicz does not require any determination of which of a plurality of call destinations to use dependent on a comparison of the current time and time ranges associated with the call destinations. In Drozdzewicz the end users determine when and where they want to be called.

## Ground 2

**Jonsson** also relates to the provision of a conference or "telemeeting". According to column 2 line 37 intended participants are invited to the meeting by including a unique identifier (e.g. telephone number or URL) along with a notification message. The participant then uses the unique identifier to be connected to the telemeeting. In the specific embodiment described in column 4 at lines 8 to 11 at least one of a plurality of phone numbers for an upcoming meeting session is allocated for a predetermined period of time.

- As with Drozdzewicz, Jonsson does not disclose a method of establishing a telephone call between a call source and <u>one</u> of a plurality of call destinations. It discloses a method of establishing a conference call among a <u>plurality</u> of participants and a subscriber.

- Jonsson does not disclose <u>receiving at a web server a URI</u> comprising information about a plurality of call destinations and time ranges associated with said plurality of call destinations. In Jonsson, a service node allocates time ranges (i.e. call durations) to call destinations (telephone numbers) associated with a particular conference.

In the system of Jonsson, the onus is on the participants to call into the conference. It is not the case that a web server or anything similar <u>receives</u> call destination information and then establishes a call. In this respect Jonsson is less relevant than Drozdzewicz.

- It follows from the foregoing that Jonsson cannot disclose the final step of claim 1, in particular comparing "a current time with the associated time ranges to select an appropriate one of the plurality of call destinations according to the time comparison".

In Jonsson there is no selection by a web server or anything similar of an appropriate call destination according to the current time.

## Ground 3

**Doganata** describes a system and method for providing automatic scheduling and establishment of telephone conferences over a network such as the Internet. A user inputs the information to a

desktop application. The conference may be scheduled to dial out to the participants. In that case a conference service provider receives the telephone numbers of the participants and starts dialling out to the participants (see abstract). The service provider may also return a dial-in number and password to be distributed to participants so that users may dial in to the conference.

Doganata is no more relevant than the references discussed above.

- As with Drozdzewicz, Doganata does not disclose a method of establishing a telephone call between a call source and <u>one</u> of a plurality of call destinations. It discloses a method of establishing a conference call among a <u>plurality</u> of participants and a subscriber.

- Doganata does not disclose <u>receiving at a web server a URI comprising information about a plurality of call destinations and time ranges associated with said plurality of call destinations</u>. There is no disclosure of a web server or anything similar to a web server receiving a plurality of call destinations and associated time <u>ranges</u>.

- It follows from the foregoing that Doganata cannot disclose the final step of claim 1, in particular comparing "a current time with the associated time ranges to select an appropriate one of the plurality of call destinations according to the time comparison".

The language of claim 11 is similar to the language of claim 1 and therefore the foregoing remarks apply equally to claim 11.

<u>Ground 4</u>
**Summers** discloses a system for scheduling a conference between callers in which a timeslot may be allocated to a caller (see top of column 5). There is no suggestion to provide a plurality of call destinations and time ranges associated with said plurality of call destinations which is then used to select which <u>one</u> of the call destinations is to be used for the establishment of the call. Therefore Summers is no more relevant than the references discussed above. **Linden** is simply cited to show the use of a URI and in other respects is not relevant.

9

Grounds 5-9

The claims of Grounds 5-9 are dependent on either independent claim 1 or independent claim 11, and for the reasons explained above, since claims 1 and 11 are believed to be allowable, the dependent claims are believed to be allowable, as well.
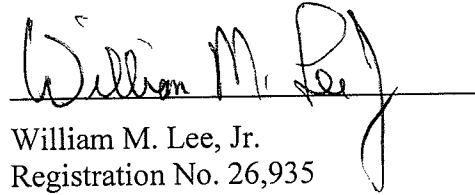
Conclusion

The examiner is incorrect that **Drozdzewicz** or **Jonsson** or **Doganata** alone, or **Summers in combination with Linden**, teach all of the above–noted limitations of claims 1 and 11. The rejection of the dependent claims is moot in view of the fact that the cited references do not show all of the features of the independent claims.

Reversal of the Examiner is therefore clearly in order and is solicited.

June 22, 2010                                    Respectfully submitted,

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## Claims Appendix

1.   A method of establishing a telephone call over a communications network between a call source and one of a plurality of call destinations using a web based telephony application hosted by a web server, said method comprising the steps of:

(i)   receiving at the web server a uniform resource identifier (URI) comprising information about the plurality of call destinations and time ranges associated with said plurality of call destinations;

(ii)   arranging the web based telephony application to access the URI in response to a call event to compare a current time with the associated time ranges to select an appropriate one of the plurality of call destinations according to the time comparison and to instruct a telephony apparatus in the communications system to establish said call to said selected one of the plurality of call destinations.

2.   The method as claimed in claim 1 wherein said step (i) of receiving a URI comprises receiving the URI from an entity selected from a web site and a software application on a user terminal.

3.   The method as claimed in claim 1 wherein said step (i) of receiving a URI comprises receiving the URI from a web-based conference call booking application.

4.   The method as claimed in claim 1 wherein said plurality of call destinations comprise a plurality of telephony enabled devices belonging to a single user.

5.   The method as claimed in claim 1 wherein said URI comprises time zone information.

6.   The method as claimed in claim 1 wherein said information about the plurality of call destinations comprises a respective directory number (DN) for each of said plurality of call destinations.

11

7.     The method as claimed in claim 1 wherein said call event comprises receiving an incoming call and said web based telephony application instructs said telephony apparatus to redirect said call to said selected one of the plurality of call destinations.

8.     The method as claimed in claim 1 wherein said URI comprises call destination information for a plurality of different agents at one or more contact centres and said call event comprises a user initiating a telephone call to one of said plurality of different agents through a corporate web site.

9. (cancelled)

10.     The method as claimed in claim 1 which further comprises instructing the telephony apparatus to display the URI at a telephone terminal at the call source.

11.     A web-based telephony application for establishing a telephone call over a communications network between a source and one of a plurality of call destinations, said web-based telephony application being hosted by a web server, the web-based telephony application comprising:
       (i)     an input arranged to receive a uniform resource identifier (URI) comprising information about the plurality of call destinations and time ranges associated with said plurality of call destinations; and
       (ii)     a computer program arranged to access the URI and in response to a call event to compare a current time with the associated time ranges to select an appropriate one of the plurality of call destinations according to the time comparison and to instruct a telephony apparatus in the communications system to establish said call to said selected one of the plurality of call destinations.

12 to 18. (cancelled)

19.     The web-based telephony application as claimed in claim 11, further comprising a web-browser arranged to receive said URI comprising said information about the plurality of call destinations and time ranges associated with said plurality of call destinations.

20.     The web-based telephony application as claimed in claim 19, comprising a parser arranged to parse said URI.

21.     The web-based telephony application as claimed in claim 11, wherein said plurality of call destinations comprise a plurality of telephony enabled devices belonging to a single user.

22 to 24 (cancelled)

25.     The web-based telephony application as claimed in claim 11, wherein the URI includes : password information; time zone information, address information; and protocol information.

26. (cancelled)

27.     The web-based telephony application as claimed in claim 11, wherein said call event comprises receiving an incoming call and said web based telephony application is arranged to instruct said telephony apparatus to redirect said call to said selected one of the plurality of call destinations.

28.     The web-based telephony application as claimed in claim 11, wherein said URI comprises call destination information for a plurality of different agents at one or more contact centres and said call event comprises a user initiating a telephone call to one of said plurality of different agents through a corporate web site.

29-30. (cancelled)

# Evidence Appendix

There is no such appendix.

# Related Proceedings Appendix

There is no such appendix.